



Attorney Docket No. 59296-8001.US01

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: November 17, 2004

By: Sharyl Brown

Sharyl Brown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

BEAT HEEB

APPLICATION No.: 10/016,794

FILED: October 29, 2001

FOR: METHOD TO CREATE OPTIMIZED
MACHINE CODE THROUGH
COMBINED VERIFICATION AND
TRANSLATION OF JAVA™
BYTECODE

EXAMINER: H. A. NGUYEN-BA

ART UNIT: 2122

Terminal Disclaimer

Mail Stop Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Esmertec AG, Assignee of

☐ an undivided share of the entire right, title, and interest

☒ the entire right, title and interest

in the above-identified patent application by virtue of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 012385, Frame 0197 on October 29, 2001, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154 to §156 and §173, as presently shortened by any terminal disclaimer, of

*U.S. Patent Application No. 10/014,742 filed on October 30, 2001.

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents and/or patent applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC §154 to §156 and §173 of the above-listed patents and/or applications, as presently shortened by any terminal disclaimer, in the event that said patent(s)/application(s) later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

1. Authority of Undersigned

The undersigned is an attorney or agent of record.

2. Fee Payment

- ☒ Applicants claim small entity status. See 37 CFR §1.27.
- ☒ Enclosed is a check in the amount of \$110.00 (large entity) for the required fee for the Terminal Disclaimer. The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-2207.

Respectfully submitted,
Perkins Coie LLP



Brian R. Coleman
Registration No. 39,145

Date: November 17, 2004

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